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U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
09/857,008	Jean Herscovici	ST98046 US PCT

005487

AVENTIS PHARMACEUTICALS, INC.  
 PATENTS DEPARTMENT  
 ROUTE 202-206, P.O. BOX 6800  
 BRIDGEWATER, NJ 08807-0800

INTERNATIONAL APPLICATION NO

PCT/FR99/02995

1A FILING DATE

PRIORITY DATE

12/02/1999

CONFIRMATION NO. 9262

371 FORMALITIES LETTER



\*OC000000007320933\*

Date Mailed: 01/25/2002

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with 37 CFR 1.321, 1.322, 1.323, 1.324, 1.325, 1.326, 1.327, 1.328, 1.329, 1.330, 1.331, 1.332, 1.333, 1.334, 1.335, 1.336, 1.337, 1.338, 1.339, 1.340, 1.341, 1.342, 1.343, 1.344, 1.345, 1.346, 1.347, 1.348, 1.349, 1.350, 1.351, 1.352, 1.353, 1.354, 1.355, 1.356, 1.357, 1.358, 1.359, 1.360, 1.361, 1.362, 1.363, 1.364, 1.365, 1.366, 1.367, 1.368, 1.369, 1.370, 1.371, 1.372, 1.373, 1.374, 1.375, 1.376, 1.377, 1.378, 1.379, 1.380, 1.381, 1.382, 1.383, 1.384, 1.385, 1.386, 1.387, 1.388, 1.389, 1.390, 1.391, 1.392, 1.393, 1.394, 1.395, 1.396, 1.397, 1.398, 1.399, 1.400, 1.401, 1.402, 1.403, 1.404, 1.405, 1.406, 1.407, 1.408, 1.409, 1.410, 1.411, 1.412, 1.413, 1.414, 1.415, 1.416, 1.417, 1.418, 1.419, 1.420, 1.421, 1.422, 1.423, 1.424, 1.425, 1.426, 1.427, 1.428, 1.429, 1.430, 1.431, 1.432, 1.433, 1.434, 1.435, 1.436, 1.437, 1.438, 1.439, 1.440, 1.441, 1.442, 1.443, 1.444, 1.445, 1.446, 1.447, 1.448, 1.449, 1.450, 1.451, 1.452, 1.453, 1.454, 1.455, 1.456, 1.457, 1.458, 1.459, 1.460, 1.461, 1.462, 1.463, 1.464, 1.465, 1.466, 1.467, 1.468, 1.469, 1.470, 1.471, 1.472, 1.473, 1.474, 1.475, 1.476, 1.477, 1.478, 1.479, 1.480, 1.481, 1.482, 1.483, 1.484, 1.485, 1.486, 1.487, 1.488, 1.489, 1.490, 1.491, 1.492, 1.493, 1.494, 1.495, 1.496, 1.497, 1.498, 1.499, 1.500, 1.501, 1.502, 1.503, 1.504, 1.505, 1.506, 1.507, 1.508, 1.509, 1.510, 1.511, 1.512, 1.513, 1.514, 1.515, 1.516, 1.517, 1.518, 1.519, 1.520, 1.521, 1.522, 1.523, 1.524, 1.525, 1.526, 1.527, 1.528, 1.529, 1.530, 1.531, 1.532, 1.533, 1.534, 1.535, 1.536, 1.537, 1.538, 1.539, 1.540, 1.541, 1.542, 1.543, 1.544, 1.545, 1.546, 1.547, 1.548, 1.549, 1.550, 1.551, 1.552, 1.553, 1.554, 1.555, 1.556, 1.557, 1.558, 1.559, 1.560, 1.561, 1.562, 1.563, 1.564, 1.565, 1.566, 1.567, 1.568, 1.569, 1.570, 1.571, 1.572, 1.573, 1.574, 1.575, 1.576, 1.577, 1.578, 1.579, 1.580, 1.581, 1.582, 1.583, 1.584, 1.585, 1.586, 1.587, 1.588, 1.589, 1.590, 1.591, 1.592, 1.593, 1.594, 1.595, 1.596, 1.597, 1.598, 1.599, 1.600, 1.601, 1.602, 1.603, 1.604, 1.605, 1.606, 1.607, 1.608, 1.609, 1.610, 1.611, 1.612, 1.613, 1.614, 1.615, 1.616, 1.617, 1.618, 1.619, 1.620, 1.621, 1.622, 1.623, 1.624, 1.625, 1.626, 1.627, 1.628, 1.629, 1.630, 1.631, 1.632, 1.633, 1.634, 1.635, 1.636, 1.637, 1.638, 1.639, 1.640, 1.641, 1.642, 1.643, 1.644, 1.645, 1.646, 1.647, 1.648, 1.649, 1.650, 1.651, 1.652, 1.653, 1.654, 1.655, 1.656, 1.657, 1.658, 1.659, 1.660, 1.661, 1.662, 1.663, 1.664, 1.665, 1.666, 1.667, 1.668, 1.669, 1.670, 1.671, 1.672, 1.673, 1.674, 1.675, 1.676, 1.677, 1.678, 1.679, 1.680, 1.681, 1.682, 1.683, 1.684, 1.685, 1.686, 1.687, 1.688, 1.689, 1.690, 1.691, 1.692, 1.693, 1.694, 1.695, 1.696, 1.697, 1.698, 1.699, 1.700, 1.701, 1.702, 1.703, 1.704, 1.705, 1.706, 1.707, 1.708, 1.709, 1.710, 1.711, 1.712, 1.713, 1.714, 1.715, 1.716, 1.717, 1.718, 1.719, 1.720, 1.721, 1.722, 1.723, 1.724, 1.725, 1.726, 1.727, 1.728, 1.729, 1.730, 1.731, 1.732, 1.733, 1.734, 1.735, 1.736, 1.737, 1.738, 1.739, 1.740, 1.741, 1.742, 1.743, 1.744, 1.745, 1.746, 1.747, 1.748, 1.749, 1.750, 1.751, 1.752, 1.753, 1.754, 1.755, 1.756, 1.757, 1.758, 1.759, 1.760, 1.761, 1.762, 1.763, 1.764, 1.765, 1.766, 1.767, 1.768, 1.769, 1.770, 1.771, 1.772, 1.773, 1.774, 1.775, 1.776, 1.777, 1.778, 1.779, 1.780, 1.781, 1.782, 1.783, 1.784, 1.785, 1.786, 1.787, 1.788, 1.789, 1.790, 1.791, 1.792, 1.793, 1.794, 1.795, 1.796, 1.797, 1.798, 1.799, 1.800, 1.801, 1.802, 1.803, 1.804, 1.805, 1.806, 1.807, 1.808, 1.809, 1.810, 1.811, 1.812, 1.813, 1.814, 1.815, 1.816, 1.817, 1.818, 1.819, 1.820, 1.821, 1.822, 1.823, 1.824, 1.825, 1.826, 1.827, 1.828, 1.829, 1.830, 1.831, 1.832, 1.833, 1.834, 1.835, 1.836, 1.837, 1.838, 1.839, 1.840, 1.841, 1.842, 1.843, 1.844, 1.845, 1.846, 1.847, 1.848, 1.849, 1.850, 1.851, 1.852, 1.853, 1.854, 1.855, 1.856, 1.857, 1.858, 1.859, 1.860, 1.861, 1.862, 1.863, 1.864, 1.865, 1.866, 1.867, 1.868, 1.869, 1.870, 1.871, 1.872, 1.873, 1.874, 1.875, 1.876, 1.877, 1.878, 1.879, 1.880, 1.881, 1.882, 1.883, 1.884, 1.885, 1.886, 1.887, 1.888, 1.889, 1.890, 1.891, 1.892, 1.893, 1.894, 1.895, 1.896, 1.897, 1.898, 1.899, 1.900, 1.901, 1.902, 1.903, 1.904, 1.905, 1.906, 1.907, 1.908, 1.909, 1.910, 1.911, 1.912, 1.913, 1.914, 1.915, 1.916, 1.917, 1.918, 1.919, 1.920, 1.921, 1.922, 1.923, 1.924, 1.925, 1.926, 1.927, 1.928, 1.929, 1.930, 1.931, 1.932, 1.933, 1.934, 1.935, 1.936, 1.937, 1.938, 1.939, 1.940, 1.941, 1.942, 1.943, 1.944, 1.945, 1.946, 1.947, 1.948, 1.949, 1.950, 1.951, 1.952, 1.953, 1.954, 1.955, 1.956, 1.957, 1.958, 1.959, 1.960, 1.961, 1.962, 1.963, 1.964, 1.965, 1.966, 1.967, 1.968, 1.969, 1.970, 1.971, 1.972, 1.973, 1.974, 1.975, 1.976, 1.977, 1.978, 1.979, 1.980, 1.981, 1.982, 1.983, 1.984, 1.985, 1.986, 1.987, 1.988, 1.989, 1.990, 1.991, 1.992, 1.993, 1.994, 1.995, 1.996, 1.997, 1.998, 1.999, 2.000, 2.001, 2.002, 2.003, 2.004, 2.005, 2.006, 2.007, 2.008, 2.009, 2.010, 2.011, 2.012, 2.013, 2.014, 2.015, 2.016, 2.017, 2.018, 2.019, 2.020, 2.021, 2.022, 2.023, 2.024, 2.025, 2.026, 2.027, 2.028, 2.029, 2.030, 2.031, 2.032, 2.033, 2.034, 2.035, 2.036, 2.037, 2.038, 2.039, 2.040, 2.041, 2.042, 2.043, 2.044, 2.045, 2.046, 2.047, 2.048, 2.049, 2.050, 2.051, 2.052, 2.053, 2.054, 2.055, 2.056, 2.057, 2.058, 2.059, 2.060, 2.061, 2.062, 2.063, 2.064, 2.065, 2.066, 2.067, 2.068, 2.069, 2.070, 2.071, 2.072, 2.073, 2.074, 2.075, 2.076, 2.077, 2.078, 2.079, 2.080, 2.081, 2.082, 2.083, 2.084, 2.085, 2.086, 2.087, 2.088, 2.089, 2.090, 2.091, 2.092, 2.093, 2.094, 2.095, 2.096, 2.097, 2.098, 2.099, 2.100, 2.101, 2.102, 2.103, 2.104, 2.105, 2.106, 2.107, 2.108, 2.109, 2.110, 2.111, 2.112, 2.113, 2.114, 2.115, 2.116, 2.117, 2.118, 2.119, 2.120, 2.121, 2.122, 2.123, 2.124, 2.125, 2.126, 2.127, 2.128, 2.129, 2.130, 2.131, 2.132, 2.133, 2.134, 2.135, 2.136, 2.137, 2.138, 2.139, 2.140, 2.141, 2.142, 2.143, 2.144, 2.145, 2.146, 2.147, 2.148, 2.149, 2.150, 2.151, 2.152, 2.153, 2.154, 2.155, 2.156, 2.157, 2.158, 2.159, 2.160, 2.161, 2.162, 2.163, 2.164, 2.165, 2.166, 2.167, 2.168, 2.169, 2.170, 2.171, 2.172, 2.173, 2.174, 2.175, 2.176, 2.177, 2.178, 2.179, 2.180, 2.181, 2.182, 2.183, 2.184, 2.185, 2.186, 2.187, 2.188, 2.189, 2.190, 2.191, 2.192, 2.193, 2.194, 2.195, 2.196, 2.197, 2.198, 2.199, 2.200, 2.201, 2.202, 2.203, 2.204, 2.205, 2.206, 2.207, 2.208, 2.209, 2.210, 2.211, 2.212, 2.213, 2.214, 2.215, 2.216, 2.217, 2.218, 2.219, 2.220, 2.221, 2.222, 2.223, 2.224, 2.225, 2.226, 2.227, 2.228, 2.229, 2.230, 2.231, 2.232, 2.233, 2.234, 2.235, 2.236, 2.237, 2.238, 2.239, 2.240, 2.241, 2.242, 2.243, 2.244, 2.245, 2.246, 2.247, 2.248, 2.249, 2.250, 2.251, 2.252, 2.253, 2.254, 2.255, 2.256, 2.257, 2.258, 2.259, 2.260, 2.261, 2.262, 2.263, 2.264, 2.265, 2.266, 2.267, 2.268, 2.269, 2.270, 2.271, 2.272, 2.273, 2.274, 2.275, 2.276, 2.277, 2.278, 2.279, 2.280, 2.281, 2.282, 2.283, 2.284, 2.285, 2.286, 2.287, 2.288, 2.289, 2.290, 2.291, 2.292, 2.293, 2.294, 2.295, 2.296, 2.297, 2.298, 2.299, 2.300, 2.301, 2.302, 2.303, 2.304, 2.305, 2.306, 2.307, 2.308, 2.309, 2.310, 2.311, 2.312, 2.313, 2.314, 2.315, 2.316, 2.317, 2.318, 2.319, 2.320, 2.321, 2.322, 2.323, 2.324, 2.325, 2.326, 2.327, 2.328, 2.329, 2.330, 2.331, 2.332, 2.333, 2.334, 2.335, 2.336, 2.337, 2.338, 2.339, 2.340, 2.341, 2.342, 2.343, 2.344, 2.345, 2.346, 2.347, 2.348, 2.349, 2.350, 2.351, 2.352, 2.353, 2.354, 2.355, 2.356, 2.357, 2.358, 2.359, 2.360, 2.361, 2.362, 2.363, 2.364, 2.365, 2.366, 2.367, 2.368, 2.369, 2.370, 2.371, 2.372, 2.373, 2.374, 2.375, 2.376, 2.377, 2.378, 2.379, 2.380, 2.381, 2.382, 2.383, 2.384, 2.385, 2.386, 2.387, 2.388, 2.389, 2.390, 2.391, 2.392, 2.393, 2.394, 2.395, 2.396, 2.397, 2.398, 2.399, 2.400, 2.401, 2.402, 2.403, 2.404, 2.405, 2.406, 2.407, 2.408, 2.409, 2.410, 2.411, 2.412, 2.413, 2.414, 2.415, 2.416, 2.417, 2.418, 2.419, 2.420, 2.421, 2.422, 2.423, 2.424, 2.425, 2.426, 2.427, 2.428, 2.429, 2.430, 2.431, 2.432, 2.433, 2.434, 2.435, 2.436, 2.437, 2.438, 2.439, 2.440, 2.441, 2.442, 2.443, 2.444, 2.445, 2.446, 2.447, 2.448, 2.449, 2.450, 2.451, 2.452, 2.453, 2.454, 2.455, 2.456, 2.457, 2.458, 2.459, 2.460, 2.461, 2.462, 2.463, 2.464, 2.465, 2.466, 2.467, 2.468, 2.469, 2.470, 2.471, 2.472, 2.473, 2.474, 2.475, 2.476, 2.477, 2.478, 2.479, 2.480, 2.481, 2.482, 2.483, 2.484, 2.485, 2.486, 2.487, 2.488, 2.489, 2.490, 2.491, 2.492, 2.493, 2.494, 2.495, 2.496, 2.497, 2.498, 2.499, 2.500, 2.501, 2.502, 2.503, 2.504, 2.505, 2.506, 2.507, 2.508, 2.509, 2.510, 2.511, 2.512, 2.513, 2.514, 2.515, 2.516, 2.517, 2.518, 2.519, 2.520, 2.521, 2.522, 2.523, 2.524, 2.525, 2.526, 2.527, 2.528, 2.529, 2.530, 2.531, 2.532, 2.533, 2.534, 2.535, 2.536, 2.537, 2.538, 2.539, 2.540, 2.541, 2.542, 2.543, 2.544, 2.545, 2.546, 2.547, 2.548, 2.549, 2.550, 2.551, 2.552, 2.553, 2.554, 2.555, 2.556, 2.557, 2.558, 2.559, 2.560, 2.561, 2.562, 2.563, 2.564, 2.565, 2.566, 2.567, 2.568, 2.569, 2.570, 2.571, 2.572, 2.573, 2.574, 2.575, 2.576, 2.577, 2.578, 2.579, 2.580, 2.581, 2.582, 2.583, 2.584, 2.585, 2.586, 2.587, 2.588, 2.589, 2.590, 2.591, 2.592, 2.593, 2.594, 2.595, 2.596, 2.597, 2.598, 2.599, 2.600, 2.601, 2.602, 2.603, 2.604, 2.605, 2.606, 2.607, 2.608, 2.609, 2.610, 2.611, 2.612, 2.613, 2.614, 2.615, 2.616, 2.617, 2.618, 2.619, 2.620, 2.621, 2.622, 2.623, 2.624, 2.625, 2.626, 2.627, 2.628, 2.629, 2.630, 2.631, 2.632, 2.633, 2.634, 2.635, 2.636, 2.637, 2.638, 2.639, 2.640, 2.641, 2.642, 2.643, 2.644, 2.645, 2.646, 2.647, 2.648, 2.649, 2.650, 2.651, 2.652, 2.653, 2.654, 2.655, 2.656, 2.657, 2.658, 2.659, 2.660, 2.661, 2.662, 2.663, 2.664, 2.665, 2.666, 2.667, 2.668, 2.669, 2.670, 2.671, 2.672, 2.673, 2.674, 2.675, 2.676, 2.677, 2.678, 2.679, 2.680, 2.681, 2.682, 2.683, 2.684, 2.685, 2.686, 2.687, 2.688, 2.689, 2.690, 2.691, 2.692, 2.693, 2.694, 2.695, 2.696, 2.697, 2.698, 2.699, 2.700, 2.701, 2.702, 2.703, 2.704, 2.705, 2.706, 2.707, 2.708, 2.709, 2.710, 2.711, 2.712, 2.713, 2.714, 2.715, 2.716, 2.717, 2.718, 2.719, 2.720, 2.721, 2.722, 2.723, 2.724, 2.725, 2.726, 2.727, 2.728, 2.729, 2.730, 2.731, 2.732, 2.733, 2.734, 2.735, 2.736, 2.737, 2.738, 2.739, 2.740, 2.741, 2.742, 2.743, 2.744, 2.745, 2.746, 2.747, 2.748, 2.749, 2.750, 2.751, 2.752, 2.753, 2.754, 2.755, 2.756, 2.757, 2.758, 2.759, 2.760, 2.761, 2.762, 2.763, 2.764, 2.765, 2.766, 2.767, 2.768, 2.769, 2.770, 2.771, 2.772, 2.773, 2.774, 2.775, 2.776, 2.777, 2.778, 2.779, 2.780, 2.781, 2.782, 2.783, 2.784, 2.785, 2.786, 2.787, 2.788, 2.789, 2.790, 2.791, 2.792, 2.793, 2.794, 2.795, 2.796, 2.797, 2.798, 2.799, 2.800, 2.801, 2.802, 2.803, 2.804, 2.805, 2.806, 2.807, 2.808, 2.809, 2.810, 2.811, 2.812, 2.813, 2.814, 2.815, 2.816, 2.817, 2.818, 2.819, 2.820, 2.821, 2.822, 2.823, 2.824, 2.825, 2.826, 2.827, 2.828, 2.829, 2.830, 2.831, 2.832, 2.833, 2.834, 2.835, 2.836, 2.837, 2.838, 2.839, 2.840, 2.841, 2.842, 2.843, 2.844, 2.845, 2.846, 2.847, 2.848, 2.849, 2.850, 2.851, 2.852, 2.853, 2.854, 2.855, 2.856, 2.857, 2.858, 2.859, 2.860, 2.861, 2.862, 2.863, 2.864, 2.865, 2.866, 2.867, 2.868, 2.869, 2.870, 2.871, 2.872, 2.873, 2.874, 2.875, 2.8

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**HERSCOVICI ET AL.**

Examiner: NOT ASSIGNED

Serial No.: **09/857,008**

Art Unit: NOT ASSIGNED

Filed: **MAY 30, 2001**

Title: **NOVEL NUCLEIC ACID  
TRANSFERRING AGENTS,  
COMPOSITIONS CONTAINING  
THEM AND USES**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on

**February 11, 2002**

Date of Deposit

Signature

*Sally Kapadia*

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Attention: Ms. Christine S. Washington

Dear Ms. Washington:

On January 25, 2002, you issued a Notice of Defective Response (Notice) in connection with the above-identified Application. In the Notice, you asserted that the following must be submitted in order to complete the requirements for acceptance under 35 U.S.C. § 371:

- (a) an executed oath or declaration;
- (b) a substitute paper copy or compact disc of the "Sequence Listing"; and
- (c) an amendment directing entry of the substitute "Sequence Listing" into the Specification of the above-identified Application.

Kindly note that our records show that an executed declaration filed with the USPTO on 23 October 2001. Hence, in response to this Notice, we submit herewith the following:

- (a) a paper copy of a substitute "Sequence Listing";
- (b) a diskette containing a computer readable form of the substitute "Sequence Listing";
- (c) a Statement pursuant to 37 CFR 1.821;
- (d) a preliminary amendment directing entry of the substitute "Sequence Listing" into the specification;
- (e) a copy of the executed Declaration for the above-identified Application that was filed with the United States Patent and Trademark Office on 23 October 2001;

It is noted that the Declaration was filed with the USPTO, and the USPTO's

Respectfully submitted,

*William C. Goppin*

William C. Goppin, Esq.

Attorney for the Applicant

Avanti Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of  
**HERSCOVICI ET AL.**

Examiner: NOT ASSIGNED

Serial No.: **09/857,008**

Art Unit: NOT ASSIGNED

Filed: **MAY 30, 2001**Title: **NOVEL NUCLEIC ACID  
TRANSFERRING AGENTS,  
COMPOSITIONS CONTAINING  
THEM AND USES**I hereby certify that this correspondence is being  
deposited with the United States Postal Service as First  
Class Mail in an envelope addressed to Commissioner  
for Patents, Washington, D.C. 20231, on**August 15, 2002**

Date of Deposit

Signature

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**Commissioner for Patents  
Washington, D.C. 20231

Attention: Ms. Christine S. Washington

Dear Ms. Washington:

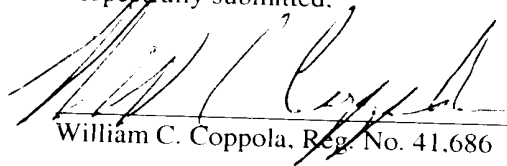
On January 25, 2002, you issued a Notice of Defective Response (Notice) in connection with the above-identified Application. On February 11, 2002, Applicants responded timely to the Notice.

On August 9, 2002, a second Notice of Defective Response dated January 25, 2002 was received. This Notice indicated that the diskette previously filed in this matter was damaged, and a request was made an initial or substitute paper or compact diskette of the Sequence Listing and a preliminary amendment directing entry of the Sequence Listing into the instant Specification. During a telephone conference between Examiner Kim at the PCT help desk and the undersigned held on August 14, 2002, Examiner Kim explained he would recall the file for this Application from the PCT processing center, and instructed the undersigned to respond to the second notice. Hence, Applicants file herewith:

- (a) a second paper copy of a substitute "Sequence Listing";
- (b) a second diskette containing a computer readable form of the substitute "Sequence Listing";
- (c) a second Statement pursuant to 37 CFR 1.821;
- (d) a copy of the Second Notice received on August 13, 2002; and

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,



William C. Coppola, Reg. No. 41.686

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, New Jersey 08807-0800  
Aventis Docket No. ST98046 US PCT  
August 15, 2002